DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Denmark	2022	Denkmark / CERD / C / 108 / D / 62 / 2018	https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshdLokFaquqfHOHP6Cm6a1mfJtXwqm4qxvYeyqB7piAlEFWl7PhodAU2hV7LU23vm9Xl5Z6qKbnLwN%2bOQOw4VrS841KlXPcH%2bd1PnCNJfmiNGfoqZBITD4HOZLsdidnRbnfmmfnqWuYta2w3W8S%2bD%2b0Q%3d	Racial or ethnic origin	Committee on the Elimination of Racial Discrimination	The case concerns Denmark's alleged failure to investigate hate speech involving pictures exhibited at the Danish Parliament and a private gallery. Danish authorities ruled the pictures did not violate criminal law. However, the Committee found that some images could reflect racial superiority, hatred, or incitement to violence under the Convention. The claims were deemed admissible under articles 4(a) and 6 of the Convention.	The Committee found Denmark violated article 4(a), read with article 6. It recommended an apology and reparation for the author. It urged Denmark to develop guidelines on hate speech responses and provide training for police, prosecutors, and judges.	The Committee noted the pictures contained derogatory portrayals of black people and the Roma community, targeting them on racial and ethnic grounds. While respecting freedom of expression, it emphasized states' obligations to prevent the spread of racist ideas. Some pictures humiliated individuals advocating against discrimination, violating their dignity. The Committee ruled that Denmark's investigations were insufficient to meet its obligations.	The case clarified that freedom of expression may be limited to prevent hate speech and uphold dignity. It stressed state obligations to act against racist hate speech, beyond mere investigations. The Committee highlighted hate speech's societal harm, fostering hostility and discrimination, and emphasized the need for systemic responses, balancing legal protections and the prevention of racial hatred.	"The absence of an effective response by the State party to the incident that qualifies as racist hate speech was not in conformity with the requirements of the Convention" "The Committee emphasizes that it is the responsibility of the State party to make reparation for the violation of its obligations under the Convention and of the rights of the author of the communication, which should include an apology and granting him a full reparation. The Committee, moreover, requests the State party to take further measures to ensure that the existing legislation is applied in an effective manner and with due regard to the requirements under the Convention."

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